



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

TESTIMONY PRESENTED BEFORE THE Committee on Human Services March 9, 2010

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Senate Bill 218 - An Act Concerning Safe Haven Cases

The Department of Public Health provides the following information with regard to Senate Bill 218

As currently written, the Safe Haven laws do not permit the identifying information of a parent or infant to be disclosed to the Department of Public Health. This becomes problematic in situations where a birth certificate has already been filed in the state's birth registry system prior to the child being relinquished under the Safe Haven Act. Because the Department is not provided with the original name of the infant, it has no way to seal the original birth record, thus it remains a valid record available to the parents named on the certificate, as well as other relatives. This situation allows for the possibility of fraud and other misuses of the birth certificate. Further, a replacement record cannot be created for the child at the time of adoption, creating on-going legal complications for the adoptive parents and the child.

In order to remedy this problem, the department recommends that the bill include language that would allow the disclosure of identifying information to the Department of Public Health for the sole purpose of sealing an original birth record if one is already on file, and creating a replacement birth certificate at the time of adoption. We suggest that sections 2 and 3 of the proposed bill be revised as follows:

Sec. 2. Section 17a-60 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2010):

(a) If a person claiming to be a parent or agent of an infant left with a designated employee under section 17a-58, as amended by this act, submits a request to the Commissioner of Children and Families for reunification with the infant, the commissioner may identify, contact and investigate such person or agent to determine if such reunification is appropriate or if the parental rights of the parent should be terminated.

(b) Information concerning a parent or agent or infant left with a designated employee shall [be confidential] not be disclosed by the designated employee, if so requested by the parent or agent, except that notwithstanding any provision of the general statutes, such employee shall provide to the Commissioner of Children and Families all medical history information provided by the parent, and such employee shall provide to the Commissioner of Public Health the name and date of birth of the infant if the infant's birth has been registered in the state vital records system prior to the child being relinquished under the provisions of this act. The release of the infant's name and date of birth to the Commissioner of Public Health shall be for the sole purpose of sealing the original birth certificate and creating a replacement birth certificate, and shall not be indicated on the Report of Foundling Child described under section 7-59.



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c) Possession of a bracelet linking the parent or agent to an infant left with a designated employee if parental rights have not been terminated creates a presumption the parent or ~~[person]~~ agent has standing to participate in a custody hearing for the infant under chapter 319a ~~[and]~~ but does not create a presumption of maternity, paternity or custody.

Sec. 3. Section 17a-58 of the general statutes is repealed and the following is substituted in lieu thereof: (Effective July 1, 2010):

(a) An employee designated pursuant to section 17a-57 shall take physical custody of any infant thirty days or younger if the parent or lawful agent of the parent voluntarily surrenders physical custody of the infant to such designated employee unless the parent or agent clearly expresses an intent to return for the infant.

(b) If the mother of an infant wishes to voluntarily surrender physical custody of the infant while the mother is in the hospital to give birth to the infant, the mother shall provide notice that she wishes to surrender physical custody of the infant, in writing, on a form prescribed by the Commissioner of Children and Families, and deliver such notice to any hospital employee. Upon receipt of such notice, the hospital employee shall notify the designated employee pursuant to section 17a-57, who shall immediately take physical custody of the infant.

[b] (c) The designated employee may request the parent or agent to provide the name of the parent or agent [and], information on the medical history of the infant and parents, and the name and date of birth of the infant if the infant's birth has already been registered in the state vital records system. The parent or agent is not required to provide such name or information. The designated employee may provide the parent or agent with a numbered identification bracelet to link the parent or agent to the infant. The bracelet shall be used for identification only and shall not be construed to authorize the person who possesses the bracelet to take custody of the infant on demand. The designated employee shall provide the parent or agent with a pamphlet describing the process established under sections 17a-57 to 17a-61, inclusive, as amended by this act, 53-21 and 53-23.

This recommended language would allow for the department to seal the inactive birth certificate and create a replacement birth certificate at the time of adoption.

Thank you for your consideration of the Department's views on this bill.